

REMARKS

Applicant has elected Group I, Species 1A(b) and 1B(a) for prosecution on the merits. Claims 1-23 are now pending in the present application. However, claims 16, 18 and 20-23 have been withdrawn pending allowance of a generic claim. Claims 24-54 have been cancelled without prejudice.

By way of this Amendment, Applicant has amended the specification to update the status of the related applications. Applicant has also amended claim 1 to distinguish the claimed invention over the cited references. Thus, Applicant believes that the present application is now in condition for allowance.

Election/Restriction

In the reply filed on January 9, 2006, Applicant elected Group I, Species 1B(a), with claims 1-14 and 19 reading on the elected embodiment. Group I, Species 1B(a) is directed to a method of performing transluminal mitral annuloplasty including monitoring hemodynamic function using transesophageal echo cardiography.

Applicant would like to thank the Examiner for the telephone call on February 1, 2006 wherein the election of Group I, Species 1A(b) was also made, with claims 15 and 17 reading on the elected embodiment. Group I, Species 1A(b) is directed to a method of performing transluminal mitral annuloplasty including a locking step comprising moving an engagement surface from a disengaged configuration to an engaged configuration.

Amendments to Specification

Applicant has amended the related applications paragraph to update the status of the applications in the chain of priority. Applicant would like to thank the Examiner for noting this deficiency.

**Rejection of Claims 1, 2 and 7-14 under 35 USC §102(b)**

The Examiner rejected claims 1, 2 and 7-14 under 35 USC §102(b) as being anticipated by Solem et al. (USPN 6,210,432). In response to the Examiner's rejections, Applicant has amended claim 1 to further recite "actuating a control element on the catheter to selectively advance at least one tissue anchor from a retracted position to an extended position."

In contrast to Applicant's claimed invention, the cited reference discloses a method wherein a cover sheet (11) is retracted to expose hooks (10) on an elongate body (8). The cited reference does not disclose a method including actuating a control element on a catheter to selectively advance a tissue anchor. In light of the foregoing amendments, Applicant respectfully requests the Examiner to withdraw the rejection of claims 1, 2 and 7-14 under 35 USC §102(b) as being anticipated by Solem et al.

**Rejection of Claims 1-3, 7, 9, 15 and 17 under 35 USC §102(e)**

The Examiner rejected claims 1-3, 7, 9, 15 and 17 under 35 USC §102(e) as being anticipated by Cohn et al. (USPN 6,890,353). As noted above, Applicant has amended claim 1 to further recite "actuating a control element on the catheter to selectively advance at least one tissue anchor from a retracted position to an extended position."

In contrast to Applicant's claimed invention, the cited reference discloses a method wherein a delivery cannula (109) is retracted to expose distal and proximal anchors (139, 142) on the cinching device (106). The cited reference does not disclose a method including actuating a control element on a catheter to selectively advance a tissue anchor. In light of the foregoing amendments, Applicant respectfully requests the Examiner to withdraw the rejection of claims 1-3, 7, 9, 15 and 17 under 35 USC §102(e) as being anticipated by Cohn et al.

**Rejection of Claim 4 under 35 USC §103(a)**

The Examiner rejected claim 4 under 35 USC §103(a) as being unpatentable over Solem et al. in view of Rhee et al. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, claim 4, which recites additional features, is also distinguishable over the cited references.

**Rejection of Claim 4 under 35 USC §103(a)**

The Examiner rejected claim 4 under 35 USC §103(a) as being unpatentable over Cohn et al. in view of Rhee et al. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, claim 4, which recites additional features, is also distinguishable over the cited references.

**Rejection of Claims 5 and 19 under 35 USC §103(a)**

The Examiner rejected claims 5 and 19 under 35 USC §103(a) as being unpatentable over Solem et al. in view of Griffith et al. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, Applicant believes that claims 5 and 19, which recite additional features, are also distinguishable over the cited references.

**Rejection of Claims 5 and 19 under 35 USC §103(a)**

The Examiner rejected claims 5 and 19 under 35 USC §103(a) as being unpatentable over Cohn et al. in view of Griffith et al. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, Applicant believes that claims 5 and 19, which recite additional features, are also distinguishable over the cited references.

**Rejection of Claim 6 under 35 USC §103(a)**

The Examiner rejected claim 6 under 35 USC §103(a) as being unpatentable over Solem et al. in view of Griffith et al., as applied to claim 5 above, and further in view of Kadhiresan. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, claim 6, which recites additional features, is also distinguishable over the cited references.

**Rejection of Claim 6 under 35 USC §103(a)**

The Examiner rejected claim 6 under 35 USC §103(a) as being unpatentable over Cohn et al. in view of Griffith et al., as applied to claim 5 above, and further in view of Kadhiresan. As noted above, claim 1 has been amended to distinguish over the cited references. Therefore, claim 6, which recites additional features, is also distinguishable over the cited references.

JUN. 23. 2006 5:20PM EDWARDS LEGAL DEPT. 949-250-6885  
Application Serial No.: 10/634,643  
Amdt. dated June 23, 2006  
Reply to Office Action of February 15, 2006

NO. 3594 P. 9/10

**Fees Due to File This Amendment**

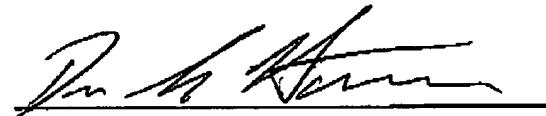
Prior to the pending Office Action, a fee was paid for the original 54 claims, with 5 of them being independent claims. The aforementioned amendments have not resulted in more than the original number of claims, and thus no claim fees are believed to be due to file this amendment.

**Conclusion**

In light of the foregoing amendments to the claims and the above remarks, Applicants believe that this application is now in condition for allowance. Should the Examiner have any remaining questions, the Examiner is encouraged to contact the attorney of record at the telephone number shown below.

Respectfully submitted,

Date: June 23, 2006



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